

Continuation of Criminal Complaint

I, Geoffrey Yandl, being duly sworn, hereby depose and state as follows:

Introduction and Background

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and am currently assigned to the Grand Rapids, Michigan field office. I have been employed as a Special Agent with ATF since 2007. Prior to that, I was a Special Agent with the U.S. Secret Service for four years. I have been involved in numerous investigations of violations of federal laws.

2. I am authorized to investigate violations of laws of the United States and to execute warrants issued. As a Special Agent with ATF, my primary duties include the investigation of alleged violations of federal firearm laws, including the subject offense of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm).

3. I submit this continuation in support of a criminal complaint and arrest warrant for Zebulon Timothy NESTER. As set forth below, there is probable cause to believe that NESTER committed a violation of 18 U.S.C § 922(g)(1) (felon in possession of a firearm) on July 1, 2022, in Muskegon County.

4. The information contained in this continuation is based on information obtained in part on: (a) my personal participation in this investigation; (b) information provided by other law enforcement officers; (c) criminal history records; and (d) my personal training and experience and the training and experience of other law enforcement personnel. This continuation does not contain all the information known as a result of this investigation, but only those facts that I believe are necessary to establish probable cause to show that Zebulon Timothy NESTER

committed a violation of 18 U.S.C § 922(g)(1) (felon in possession of a firearm) on July 1, 2022.

Probable Cause

5. Zebulon Timothy NESTER is a 26-year-old man. I reviewed NESTER's criminal history and determined that in 2014, a jury in Kent County, Michigan convicted NESTER of felony assault with intent to rob while unarmed. In April 2014, he was sentenced to a minimum of five years and six months in prison. NESTER was discharged from the Michigan Department of Corrections (MDOC) parole on January 26, 2022.

6. NESTER served more than one year in prison, and thus was aware he had been convicted of a felony punishable by more than a year.

7. On June 27, 2022, U.S. Magistrate Judge Sally J. Berens issued a search warrant for NESTER's person and residence, 3696 Blackmer Road, in Ravenna, Michigan, to search for evidence of ongoing violations of 18 U.S.C § 922(g)(1) (felon in possession of firearms and ammunition). (*See In re Search of 3696 Blackmer Road, 1:22-mj-290-SJB*).

- a. MDOC parole records reported NESTER's address as 3696 Blackmer Road.
- b. Additionally, NESTER possesses a current, valid State of Michigan driver's license that lists his address as 3696 Blackmer Road.

8. On July 1, 2022, the ATF Grand Rapids Field Office executed the search warrant at 3696 Blackmer Road. 3696 Blackmer Road is in Muskegon County, which is in the Southern Division of the Western District of Michigan.

9. NESTER was present during the search, as was his wife, Rebecca Kidd. Kidd was outside on the porch when law enforcement approached for the search. NESTER was sleeping inside in the only bedroom on the main floor. Another individual, Aaron Capizzi was sleeping in a bedroom upstairs.

10. Inside of the bedroom where NESTER was sleeping, agents located a gun safe. Inside the safe were five guns: two handguns and three long guns. Specifically, one of the firearms inside of the gun safe was a Taurus, Model G2C 9mm pistol.

11. An ATF agent interviewed Rebecca Kidd, who stated she owned four guns and she kept them in the safe. She indicated that the safe could be opened with a key. Agents located the key on the side of the safe, held there by a magnet. Kidd indicated that NESTER knew how to access the safe and has done so in the past.

12. During her interview, Kidd showed an ATF agent several photographs from her cell phone depicting NESTER holding a pistol that were taken on June 22, 2022. Kidd told the agent that the firearm NESTER was holding was "the Taurus."

13. Kidd claimed she was not aware of any other firearms on the property, including in the garage. She indicated that NESTER and Capizzi would regularly hang out in the garage.

14. Agents searched the detached garage and located various firearms and three silencers. The firearms included:

- a. a sawed-off shotgun,
- b. six long guns, and
- c. a pistol.

ATF Special Agent Tim Hunt conducted a field test on site and determined that one of these firearms recovered from the garage was a rifle that functions as a machinegun under the National Firearms Act, 26 U.S.C. § 5845(a) because it is capable of firing in a fully automatic fashion.

15. For purposes of this Complaint, I submit there is probable cause to show that Zebulon Timothy NESTER committed a violation of 18 U.S.C § 922(g)(1) (felon in possession of a firearm) for the Taurus, Model G2C 9mm pistol. Through my training and experience in the determination of firearms travelling through interstate commerce, I determined the Taurus, Model G2C 9mm pistol was manufactured and/or distributed from outside the State of Michigan. Therefore, the firearm has traveled through interstate commerce prior to NESTER's possession of it. Further examinations of the firearm will occur to determine the firearm's exact place of manufacture/distribution.

16. In addition, during the search of the residence, agents located several "Glock switches" in the living room. From my training and experience, I am aware that a Glock conversion device, commonly referred to as a "Glock switch," is a part, or combination of parts, designed and intended for use in converting a semiautomatic

Glock pistol into a fully automatic weapon; therefore, a “Glock switch” is a machinegun under the National Firearms Act, 26 U.S.C. § 5845(a).

17. Agents also located a 3-D printer in the living room on the main floor of the residence and various rounds of ammunition in several areas of the property.

18. Law enforcement read NESTER his *Miranda* rights. He initially agreed to speak, but then refused to speak and indicated he wanted a lawyer.

Conclusion

19. Based on the forgoing facts, I submit there is probable cause to believe that Zebulon Timothy NESTER has knowingly possessed a Taurus, Model G2C 9mm pistol after previously being convicted of an offense punishable by imprisonment for a term exceeding one year under the laws of the State of Michigan, in violation of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm). I respectfully request a warrant for NESTER’s arrest.